

REMARKS

Claims 1-71 are pending. By this Amendment, claims 19, 55, and 63 are amended, and claim 71 is added. No new matter is added.

Support for claims 19, 55, and 63 is found in the Disclosure as originally filed. Support for new claim 71 is found, at least in, paragraph [0050] and FIG. 5 of the Disclosure.

Applicants thank the Examiner for the indication on page 24, item 10 of the Office Action that claims 44-46 recite allowable subject matter, and indication on page 24, item 12 of the Office Action that claims 47-54 are allowed.

For the following reasons, reconsideration is respectfully requested.

REJECTIONS UNDER 35 U.S.C. §103:

On page 2, item 4 of the Office Action, claims 1-3, 5, and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cho et al. (U.S. Patent Application Publication No. 2002/0186485). The rejection is respectfully traversed.

It is respectfully submitted that, in addition to the acknowledged deficiency, Cho fails to further disclose or suggest interactive data to be reproduced with the AV data by the recording and/or reproducing apparatus in the interactive mode, as recited in claim 1.

First, it is unclear what in Cho is alleged to be the interactive data. In the Office Action, reference is made to FIG. 1 and a script file zone (SFZ) without more elaboration. However, as disclosed in Cho, the script file zone (SFZ) is simply one of three recording partitions of a DVD. The SFZ is disclosed as storing script file having additional and/or detailed information about moving picture data (see, for example, paragraph [0029] and FIG. 1 of Cho). If the intention in the Office Action is to assert that the script files disclose an interactive data, it is respectfully submitted that script files are not interactive data, as recited in claim 1.

According to Cho, script files simply include additional information about moving picture data, such as scene descriptive text and introduction of characters (see, for example Abstract at lines 4-7 of Cho). The additionally information in the form of a descriptive text is simply displayed together in a single screen, for example, as shown in FIG. 12 of Cho (see also, paragraph [0061] of the Cho).

In other words, the script file is simply an additional text description of a corresponding

moving picture data, which when executed, is simply displayed. When displayed, the additional text description of the script file is not disclosed as allowing for interaction by a user since reproduction is entirely dependent on link files linking specific script files and selected portions of video (see paragraphs [0040]-[0044] of the Cho). Accordingly, a mode where the additional text description of the script file is displayed is not an interactive mode allowing for interaction by the user. Therefore, the script file is not an interactive data, nor does Cho disclose the interactive data, as recited in claim 1.

Second, it is acknowledged that Cho fails to disclose that each of the ENAV units corresponds to a portion of the AV data and has a size less than a predetermined size, as recited in claim 1, but it is asserted that Official Notice is taken that the each ENAV unit has to be smaller than the buffer size in order for the buffer to temporarily store the ENAV unit until it is needed.

Applicants respectfully requested evidence to support the assertion of Official Notice because it is believed this situation is not a proper one for to be relied upon Official Notice. Specifically, it is submitted that the feature is not one that is well-known, or that is common knowledge in the art as to be capable of being instant and unquestionable demonstration as being well-known (see MPEP § 2144.03(A) citing *In re Ahlert*, 424, F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970)). An alternative phrasing of the Official Notice standard is one the Examiner finds "capable of such instant and unquestionable demonstration as to defy dispute." Accordingly, the MPEP warns against use of Official Notice unless the high standard can be met.

It is respectfully submitted that the recited feature is not one that is well-known, or one that is not common knowledge in the art as to be capable of being instant and unquestionable demonstration as being well-known. Rather, what would be more familiar to one of ordinary skill would be using dynamic buffer management for use with a single buffer, using sizes without regard to the size of the buffer. It is believed that the each of the ENAV units corresponding to a portion of the AV data and has a size less than a predetermined size, as recited in claim 1, is novel. For instance, the memory 14 in Cho is for storing one or more multiple script files indicating a variable size of the script files (see paragraphs [0047] and [0054] of the Cho). Therefore, use of Official Notice as if the feature is one amenable to having it simply "fill in the gap" would not be proper. Accordingly, evidence to support the assertion of Official Notice is requested.

Based on at least the above, claim 1 is patentably distinguishable over Cho. Claims 2, 3, 5, and 6, which depend from claim 1, are likewise patentably distinguishable over the applied reference for at least the reasons discussed above, and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

On page 4, item 5 of the Office Action, claims 4 and 7-13 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cho, and further in view of Lamkin et al. (U.S. Patent Application Publication No. 2005/0278729). The rejection is respectfully traversed.

As discussed above, Cho fails to disclose or suggest each and every feature of claim 1, from which claims 4 and 7-13 depend. Lamkin fails to overcome the deficiencies of Cho because, as shown in FIG. 5 of Lamkin for example, Lamkin discloses embedding audio/or video into a graphic described as being in web compatible format (such as HTML) (see, paragraphs [0069] and [0070] of Lamkin), or as shown in FIG. 6 of Lamkin for example, Lamkin discloses a DVD navigator 622 that generically controls the decoding and playback of media in the drive (see, paragraphs [0060]-[0064], [0077], [0087], and [0105] of Lamkin). However, even assuming arguendo that the HTML permits some form of interactivity, Lamkin does not describe a size of such HTML pages or elements or whether such size is within a predetermined size.

Accordingly, claims 4 and 7-13 are patentably distinguishable over the applied references and their combination for at least their dependence from claim 1, and for their added features. Withdrawal of the rejection is respectfully requested.

On page 7, item 6 of the Office Action, claims 14-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Cho, in view of Lamkin. The rejection is respectfully traversed.

First, as discussed above for claim 1, Cho fails to disclose the interactive data to be reproduced in the interactive mode, as defined in claims 14, 18, and 19. Second, as discussed above for claim 1, Official Notice would not be proper and a reference is requested as to the size. Finally, Lamkin fails to overcome the deficiency because instead of showing ENAV units within a predetermined size, Lamkin discloses HTML embedded audio/video (see, paragraphs [0049]-[0050], and [0053] of Lamkin), or an application programming interface that provides interaction with hardware platform in terms of HTML content (see, paragraphs [0060]-[0066] of

Lamkin). In fact, there is no suggestion of a size of such units, or that such size is predetermined.

Based on at least the above, claims 14, 18, and 19 are patentably distinguishable over Cho, Lamkin, or their combination. Claims 15-17, which depend from claim 14, and claims 20-22, which depend from claim 19, are likewise patentably distinguishable over the applied references and their combination for at least the reasons discussed above, and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

On page 13, Item 7 of the Office Action, claims 23-43 and 70 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lamkin. The rejection is respectfully traversed.

First, Lamkin fails to disclose an ENAV buffer, an ENAV buffer manager, or a reproducing unit as defined in claims 23, 32, and 33, as well as the buffering of the interactive data and the reproducing of the AV data as defined in claim 36. Second, as discussed above for claim 1 regarding the size of the ENAV units, Official Notice would not be proper and a reference is requested.

For example, instead of showing ENAV, Lamkin discloses HTML embedded audio/video (see, paragraphs [0049]-[0050], and [0053] of Lamkin), or an application programming interface that provides interaction with hardware platform in terms of HTML content (see, paragraphs [0060]-[0066] of Lamkin). As shown in FIG. 5 of Lamkin for example, Lamkin discloses embedding a audio/or video into a graphic described in web compatible format (such as HTML) (see, paragraphs [0069] and [0070] of Lamkin), or as shown in FIG. 6 of Lamkin for example, Lamkin discloses a DVD navigator 622 that generically controls the decoding and playback of media in the drive (see, paragraphs [0060]-[0064], [0077], [0087], and [0105] of Lamkin). However, even assuming arguendo that the HTML permits some form of interactivity, Lamkin does not describe a size of such HTML pages or elements or whether such size is within a predetermined size.

Accordingly, claims 23, 32, 33, and 36 are patentably distinguishable over Lamkin. Claims 24-31 and 70, which depend from claim 23, claims 34 and 35, which depend from claim 32, and claims 37-43, which depend from claim 36, are likewise patentably distinguishable over the applied reference for at least the reasons discussed above, and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

On page 20, item 8 of the Office Action, claims 55-59 and 62-67 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lamkin, in view of Cho et al. (U.S. Patent Application Publication No. 2002/0186485). The rejection is respectfully traversed.

It is respectfully submitted that Lamkin, in view of Cho, fails to disclose or suggest, a buffer which buffers units of interactive data in the interactive mode, the units of interactive data being smaller than a predetermined size, a buffer manager which controls the buffer, or a reproducing unit that reproduces the first data in the interactive mode using the interactive data, as defined in claim 55.

Further, it is respectfully submitted that Lamkin, in view of Cho, fails to disclose or suggest, the interactive data or the interactive mode, and units of interactive data being smaller than a predetermined size, as defined in claim 63.

For example, Lamkin discloses HTML embedded audio/video (see, paragraphs [0049]-[0050], and [0053] of Lamkin) or an application programming interface that provides interaction with hardware platform in terms of HTML content (see, paragraphs [0060]-[0066] of Lamkin). As shown in FIG. 5 of Lamkin for example, Lamkin discloses embedding a audio/or video into a graphic described in web compatible format (such as HTML) (see, paragraphs [0069] and [0070] of Lamkin), or as shown in FIG. 6 of Lamkin for example, Lamkin discloses a DVD navigator 622 that generically controls the decoding and playback of media in the drive (see, paragraphs [0060]-[0064], [0077], [0087], and [0105] of Lamkin). However, even assuming arguendo that the HTML permits some form of interactivity, Lamkin does not describe a size of such HTML pages or elements or whether such size is within a predetermined size.

Accordingly, claims 55 and 63 are patentably distinguishable over Lamkin. Claims 56-59, which depend from claim 55, and claims 64-67, which depend from claim 63, are likewise patentably distinguishable over the applied references and their combination for at least the reasons discussed above, and for the additional features they recite. Withdrawal of the rejection is respectfully requested.

On page 22, item 9 of the Office Action, claims 60, 61, 68, and 69 are rejected under 35 U.S.C. §103(a) as being unpatentable over Lamkin, in view of Cho, and in further view of Kim et al. (U.S. Patent Application Publication No. 2003/0012558). The rejection is respectfully

traversed.

First, it is noted that Lamkin, in view of Cho fails to disclose or suggest each and every feature of claim 55, as discussed above, from which claims 60, 61, 68, and 69 depend. Second, it is noted that U.S. Patent Application Publication No. 2003/0012558 to Kim is a §102(e) reference, which is disqualified under the provisions of 35 U.S.C. §103(c) because the subject matter of Kim, and the subject matter of the claimed invention, at the time the claimed invention was made, were subject to an obligation of assignment to the same person, the same person being Samsung Electronics Co., Ltd., the assignee of both Kim and the claimed invention.

Specifically, it is noted that Kim has a date of filing in the United States of June 10, 2002 and a date of publication of January 16, 2003. On the other hand, the claimed invention has date of invention, as established by the previous filed DECLARATION UNDER RULE 131(a) and supporting papers, to at least December 11, 2002, which is prior to the publication of Kim. Accordingly, Kim is only a §102(e) reference, which is now disqualified due to the common assignment.

Accordingly, as Lamkin, in view of Cho fails to disclose or suggest each and every feature of claim 55, from which claims 60, 61, 68, and 69 depend, and as Kim is disqualified, claims 60, 61, 68, and 69 patentably distinguishable over the applied references and their combination for at least the reasons discussed above. Withdrawal of the rejection is respectfully requested.

ALLOWABLE SUBJECT MATTER:

On page 24, item 10 of the Office Action, claims 44-46 are indicated as reciting allowable subject matter.

On page 24, item 12 of the Office Action, claims 47-54 are allowed.

NEW CLAIM:

New claim 71 is patentably distinguishable over the applied references and their combination for at least the reasons discussed above, and for its added features. Consideration and allowance are respectfully requested.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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Date: 4/11/2008

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